

2019 Current Fiscal Year Report: Advisory Board on Toxic Substances and Worker Health

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1. Department or Agency

Department of Labor

2. Fiscal Year

2019

3. Committee or Subcommittee

Advisory Board on Toxic Substances and Worker Health

3b. GSA Committee No.

2545

4. Is this New During Fiscal Year? 5. Current Charter 6. Expected Renewal Date 7. Expected Term Date

No 06/29/2017 06/29/2019 12/19/2024

8a. Was Terminated During Fiscal Year? 8b. Specific Termination Authority 8c. Actual Term Date

No Pub. L. 115-91

9. Agency Recommendation for Next Fiscal Year 10a. Legislation Req to Terminate? 10b. Legislation Pending?

Continue Not Applicable Not Applicable

11. Establishment Authority Statutory (Congress Created)

12. Specific Establishment Authority 13. Effective Date 14. Committee Type 14c. Presidential?

Pub. L. 113-291 12/19/2014 Continuing No

15. Description of Committee Scientific Technical Program Advisory Board

16a. Total Number of Reports 16b. Closed 0 16c. Partially Closed 0 16d. Total 0

17a. Open 0 17b. Closed 0 17c. Partially Closed 0 17d. Total 0

No Meetings

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$0.00	\$0.00

19. Federal Staff Support Years (FTE)

0.00 0.00

20a. How does the Committee accomplish its purpose?

The Advisory Board advises the Secretary with respect to: 1) the Site Exposure Matrices (SEM) of the Department of Labor; 2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; 3) evidentiary requirements for claims under EEOICPA subtitle B related to lung disease; and 4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The initial Board formed five subcommittees, one for each of the specified topic areas and one cross-cutting working group on Presumptions. Each subcommittee met multiple times.

20b. How does the Committee balance its membership?

The Advisory Board is composed of 12 members appointed by the Secretary. Pursuant to Section 3687(a)(2), membership must reflect a balance of perspectives from the scientific, medical and claimant communities. The Department of Labor intends that one-third of the membership is from the scientific community, one-third from the medical community, and one-third from the claimant community. Thus, the Advisory Board reflects a reasonable balance of scientific, medical, and claimant representatives to address the tasks assigned to the Advisory Board.

20c. How frequent and relevant are the Committee Meetings?

The Advisory Board charter provides that it will meet at least twice per year through its sunset date of December 19, 2024. The full Advisory Board met twice in FY 2018: one in-person meeting and one teleconference meeting.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Advisory Board is statutorily required.

20e. Why is it necessary to close and/or partially closed committee meetings?

To date, all meetings have been open to the public. Meetings will remain open to the public except as otherwise determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and Section 10(d) of the FACA. Notice of all meetings is given to the public.

21. Remarks

The Advisory Board's legislation originally specified a sunset date five years after

enactment. See Section 3141(a) of the National Defense Authorization Act of 2015, Pub. L. 113-291 (December 19, 2014), which added Section 3687 to Pub. L. 106-398. Subsequently in 2017, Section 3687(i) was amended adding five years to the Board's active life. The Advisory Board will terminate on December 19, 2024.

Designated Federal Officer

Douglas Fitzgerald Director, DLHWC, OWCP

Committee Members	Start	End	Occupation	Member Designation
Berenji, Manijeh	07/16/2018	07/15/2020	Boston Medical Center	Special Government Employee (SGE) Member
Cassano, Victoria	07/16/2018	07/15/2020	Performance Medicine Consulting	Special Government Employee (SGE) Member
Dement, John	07/16/2018	07/15/2020	Duke University Medical Center	Special Government Employee (SGE) Member
Domina, Kirk	07/16/2018	07/15/2020	Hanford Atomic Metal Trade Council	Special Government Employee (SGE) Member
Friedman-Jimenez, George	07/16/2018	07/15/2020	NYU School of Medicine	Special Government Employee (SGE) Member
Mahs, Ron	07/16/2018	07/15/2020	International Association of Heat and Frost Insulators and Allied Workers	Special Government Employee (SGE) Member
Markowitz, Steven	07/16/2018	07/15/2020	Queens College, CUNY School of Public Health	Special Government Employee (SGE) Member
Mikulski, Marek	07/16/2018	07/15/2020	University of Iowa	Special Government Employee (SGE) Member
Pope, Duronda	07/16/2018	07/15/2020	United Steelworkers	Special Government Employee (SGE) Member
Redlich, Carrie	07/16/2018	07/15/2020	Yale School of Medicine	Special Government Employee (SGE) Member
Silver, Kenneth	07/16/2018	07/15/2020	East Tennessee State University	Special Government Employee (SGE) Member
Tebay, Calin	07/16/2018	07/15/2020	Hanford Beryllium Program	Special Government Employee (SGE) Member

Number of Committee Members Listed: 12

Narrative Description

The Advisory Board is statutorily required.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>

Implementation of laws or regulatory requirements



Other



Outcome Comments

Congress enacted the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA; 42 USC 7384 et seq.) to provide fair and timely benefits to workers who contracted illnesses related to exposure to radiation or other toxic substances while employed by the Department of Energy (DOE) or its contractors. The statute specifically provides lump-sum compensation and health benefits to eligible DOE nuclear weapons workers (including employees, former employees, contractors and subcontractors) and lump-sum compensation to certain survivors if the worker is deceased. The Advisory Board on Toxic Substances and Worker Health is tasked with providing specific categories of technical advice to the Secretary of Labor regarding EEOICPA.

What are the cost savings associated with this committee?

Checked if Applies

None



Unable to Determine



Under \$100,000



\$100,000 - \$500,000



\$500,001 - \$1,000,000



\$1,000,001 - \$5,000,000



\$5,000,001 - \$10,000,000



Over \$10,000,000



Cost Savings Other



Cost Savings Comments

The Advisory Board was not created as a cost savings initiative.

What is the approximate Number of recommendations produced by this committee for the life of the committee?

19

Number of Recommendations Comments

The Advisory Board submitted comments to the DEEOIC proposed rulemaking (RIN 1240-AA08), following its April 2016 meeting. The comments were filed on regulations.gov by the Chair on behalf of the Advisory Board. The Advisory Board submitted eight separate recommendations to the Secretary following its October 2016 meeting; seven

separate recommendations following its April 2017 meeting; and three separate recommendations following its June 2017 telephonic meeting. No recommendations were issued at its November 2017 meeting. Nine revised recommendations were issued at its January 2018 meeting (these are not additional recommendations but clarifications of past recommendations).

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

The comments on the proposed regulations were received and considered. The regulations themselves have not yet been issued. With regard to the meeting recommendations, one has been fully implemented and six are in progress.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

32%

% of Recommendations Partially Implemented Comments

The comments on the proposed regulations were received and considered. The regulations themselves have not yet been issued. With regard to the meeting recommendations, one has been fully implemented and six are in progress.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

The Department issued written responses to the recommendations (or revised recommendations) made following the October 2016, April 2017, June 2017, and January 2018 Advisory Board meetings. These were mailed to the Chair and posted online. https://www.dol.gov/owcp/energy/regs/compliance/advboard/dol_response_abtsw_h_recor https://www.dol.gov/owcp/energy/regs/compliance/advboard/dol_response041917.pdf; https://www.dol.gov/owcp/energy/regs/compliance/advboard/dol_response041917.pdf

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Action Comments

DEEOIC has reviewed/evaluated the comments received in response to the NPRM. The new regulations have not yet been issued. DEEOIC Circular 15-04 has been rescinded. DEEOIC is: working with the Board on including relevant sources recommended by the Institute of Medicine in the SEM; encouraging recruitment of former DOE employees to give the Occupational History Questionnaire; developing procedures to allow industrial hygienists and claims examiners to speak directly with claimants when appropriate; leveraging technology to allow electronic access to claim files for claimants; implementing uniform (but not dispositive) guidance for physicians to consider when assessing a claim for CBD; and analyzing Board comments in conjunction with other expert advice to decide how best to edit the procedure manual on Part B conditions.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

Not Applicable

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

The Advisory Board's website is linked from the OWCP website:
<http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>. Advisory Board materials which are releasable to the public, once available, are posted here.